

UTAH AIR QUALITY BOARD MEETING
February 6, 2013 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

FINAL MINUTES

I. Call-to-Order

Steve Sands called the meeting to order at 1:31 p.m.

Board members present: Nan Bunker, Kathy Van Dame, Darrell Smith, Craig Petersen, Steve Sands, Joel Elstein, Kerry Kelly, Robert Paine, Amanda Smith, Dale Ipson, and Michael Smith

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: February 27, 2013

Due to legislation, current Air Quality Board terms expire on February 28, 2013. A new Air Quality Board will be appointed and must go through Senate confirmation. Because of these events, there is some risk that there will not be a March, April, and possibly May Board meetings. There are two rules that expire May 1, 2013, and so a February 27, 2013, Board meeting was suggested and agreed upon.

III. Approval of the Minutes for December 5, 2012, Board Meeting.

Mr. Sands made the correction to add “as amended” to Ms. Van Dame’s motion of Item 23. The motion will read, “Kathy Van Dame moved for final adoption of R307-355, Control Emissions from Aerospace Manufacture and Rework Facilities as amended.”

- Kathy Van Dame moved that the Board approve the minutes as amended. Joel Elstein seconded. The Board approved unanimously.

IV. Final Adoption: R307-208. Outdoor Wood Boilers. Presented by Mark Berger.

Dave McNeill, Planning Branch Manager at DAQ, stated that on July 11, 2012, R307-208 was proposed by the Board for public comment. The rule had been developed in consultation with many stakeholders and air quality staff from several states around the country where outdoor wood boilers have become an extreme problem. The proposed rule included a total ban on these devices statewide.

During the comment period from August 1 through 31, we received several substantial comments that included suggestions on how we could change the proposed rule to make it acceptable. Staff worked with the Home, Barbecue, and Patio Association (HBPA), who represents the manufacturers and sellers of these devices nationwide. We had received comments from some manufacturers of these devices, particularly from a company named Central Boiler in Minnesota, telling us that they make devices that meet EPA's most stringent emission limits for certified wood stoves. Based on those comments we also worked with EPA staff who are working with outdoor wood boilers and with staff from the Northeast States for Coordinated Air Use Management (NESAUM), whose member states have taken the lead nationwide in controlling

emissions from these devices. Based on the comments received during the comment period and information we collected from EPA and NESCAUM, we came back to the Board with a significantly changed proposed rule that allowed current owners to replace their existing units with stoves that everyone agrees are clean-burning, and allows the sale of clean-burning stoves statewide with several set-back and other requirements, except for in the nonattainment area where we said that existing stoves could be replaced with pelletized outdoor wood boilers. Pelletized boilers have a chain driven feeder for very small burners so that it's limited on what they are allowed to burn. Also, if at any time, EPA does develop an emissions standard that can be guaranteed to limit particulate matter (PM), nitrogen oxides (NO_x), and volatile organic compound (VOC) emissions from these devices, we could revisit this rule.

While we could have simply submitted a change in proposed rule form with the Division of Administrative Rules (DAR) and let the revised rule become effective 30 days later, we felt that it was important to gather comments on the new revised rule. We were concerned that there would be stakeholders who would be displeased that the proposed final rule had loosened up so much on the control of this potential problem area. Therefore, we asked the Board to take that proposed final rule back out to public comment and hearing. A comment period was held during December 2012, and the comments received during that comment period and our responses to those comments are contained in the Board memorandum.

Staff met with a local citizen who has one of these devices and he did not like the proposed rule; that the Board has no authority to make the rule, that the Board is acting beyond its authority, and that he operates his unit extremely clean so that none of his neighbors have ever complained about it. He also expressed his concern that we were allowing people from outside Utah, namely EPA, NESCAUM, the Pacific Northwest states, and HBPA, who each have an agenda different than Utah's, have so much influence on Utah's rules. On his second visit with staff, he informed us that he has been retained by Central Boilers out of Minnesota to represent them in this matter, and that while a member of HBPA, Central Boilers does not believe that HBPA was representing their position in discussions with us. After explaining why we were limiting the growth of these devices in the nonattainment areas of Utah, we asked him for a recommended replacement that would result in lower emissions from outdoor wood boilers in the future than we presently have, and he had nothing to offer. His proposal is that we stop this action now, and later work out a replacement.

Finally, we discussed the extreme nature of the PM problem here in our nonattainment areas, as demonstrated by the ambient concentrations reached during our recent January inversions. We told him that on our Table 6.5 of the proposed PM_{2.5} plans, items to be studied to help us reach attainment, there is a total ban on the use of solid-fuel burning devices from November 1 through March 1. That's one of the proposal that we have to look at. We find that as an inversion starts building, any pollution we allow to go into the atmosphere then gets trapped in that inversion. So we need to limit what's going into that inversion from the first day it begins. We, as an agency, are also very concerned that citizens will go out and spend the \$15,000 to \$25,000 to buy one of these devices, and then find they can't use them during the winter.

Finally, it is important to note that in 2008, we were violating the PM_{2.5} standard at our 2008 emissions level. In order to meet the standard, we have to identify controls that will bring those 2008 emissions down significantly. We know that if we allow this sector of the inventory to grow beyond what it was in 2008, then we must find somewhere else in our emissions inventory to reduce emissions to offset that growth, which we have not been able to do. Therefore, staff is proposing that the Board adopt R307-208, Outdoor Wood Boilers.

Mr. Sands introduced public comment from David Leavitt a resident of Provo, Utah. Mr. Leavitt stated that he was the resident that met with DAQ. For the last seven years Mr. Leavitt has been an owner of an outdoor wood boiler, two years in an attainment area in Juab County and five years in Utah County. He operates his outdoor wood boiler every day from October 1 until April 1, except when DAQ prohibits because of red days.

Mr. Leavitt believes this rule unfairly distinguishes wood burning in a fireplace indoors versus wood burning outdoors. If this rule is adopted, he can take the same amount of wood, burn it indoors in a less efficient appliance, create the same amount of emissions if he was to burn outside, and would have a greater fire hazard with a fire indoors. He recommends regulating the use of outdoor wood boilers and not ban them. Pursuant to Utah Code 19-2-104, statute gives the Board "power to establish air quality standards." Banning a particular wood burning is not establishing an air standard. If the Board wants to regulate outdoor wood boilers then the rule should say that boilers should not be allowed to emit a certain level of emissions.

The second issue that Mr. Leavitt has is that while the rule says that existing boiler owners will be allowed to upgrade, it only allows upgrading to a wood pellet machine, which he does not desire. In addition, the upgrade would have to meet the standards of a set-back which effectively puts the Board in the position of being a zoning enforcer and requires the approval of his surrounding neighbors.

Finally, the rule requires that boilers be registered with the DAQ. Legislative statute does not give the Board the authority to eliminate or ban his outdoor wood boiler, make him register his boiler, or give the Board authority to impose a set-back requirement. Mr. Leavitt recommends the Board vote against this rule.

Mr. Sands introduced public comment from Chris Tureson of Central Boiler Incorporated in northern Minnesota. Mr. Tureson stated that Central Boiler Inc. has been building/producing outdoor wood furnaces for 28 years. They are members of the HPBA, along with other manufacturers. Approximately six years ago the EPA asked manufacturers to voluntarily participate in an emissions reduction program. EPA wanted the manufacturers to clean up their products. Today Central Boiler Inc. is published on the EPA's website list of cleaner hydronic heaters, often referred to as phase two boilers. They have invested a lot of money in their product design and they have made a lot of strides as an industry. Federal rulemaking is going forward in the next two years under the federal new source performance standards (NSPS). They voluntarily work closely with the EPA and they want to continue to do so. Central Boiler Inc. opposes this proposed Utah regulation as they see some of the same issues that Mr. Leavitt identifies. Central Boiler Inc. believes a regulation can be produced that they can work with because their employees depend upon them to create products that are safe, clean, and efficient. They have worked with regulators in many states and they see a resolution and they ask the Board to defer on moving forward on this rule.

In discussion, several questions from the Board were addressed. In addition, it was suggested that the rule be amended to include a reference to the solid fuel burning rule to clarify an air quality action or alert day.

Mr. Tureson explained that their boilers are listed as EPA-qualified because it's a voluntary partnership agreement. In referencing delays in federal rulemaking, industry decided to enter into a voluntary agreement so that cleaner products could be on the market quickly. Once the NSPS come into effect Central Boiler Inc.'s boilers will become EPA-certified. To advise against the burning of non-approved material in the boilers, the EPA adopted a burn-wise program with

labeling requirements. In addition, manufacturers advise against and list the effects of burning non-approved materials in outdoor wood boilers.

Staff explained that the set-back requirements were established as part of a workgroup from NESCAUM. NESCAUM was trying to find a compromised position in the northeast and DAQ referred to those compromised positions as it developed its rule. Also, in R307-208-5(4) if a set-back requirement cannot be met, the Director could be petitioned for an exemption as long as the surrounding neighbors were in agreement. Administratively and procedurally, legal counsel agreed that the rule as proposed today could be approved and if the Board finds a reason to amend the rule then they would follow rulemaking procedures to amend the rule.

- Kathy Van Dame moved for final adoption of R307-208, Outdoor Wood Boilers as amended to add reference to the solid fuel burning rule. Robert Paine seconded. The Board approved unanimously.

V. Final Adoption: R307-303. Commercial Cooking. Presented by Mark Berger.

Mark Berger, Environmental Planning Consultant at DAQ, stated that previously there were some concerns about a discrepancy found in the Board memorandum and in the proposed rule regarding the catalyst control efficiency requirements. A public comment period was held and it was determined that an opacity reading is all that is necessary to determine if a catalyst is installed and operating correctly. Therefore, the proposed rule is amended by removing the efficiency requirement. Staff recommends the Board adopt R307-303, Commercial Cooking, as amended.

In answer to questions from the Board, staff is confident that a franchise owner will not have a problem in meeting the opacity requirement. Newer equipment models are equipped for the addition of fittings if they need to be added to the unit and so staff feels there will not be a problem of owners meeting the September 1, 2013, effective date. Finally, in previous discussion there was concern over specified efficiency that manufacturers could not meet. The rule proposed today eliminated that efficiency so that the rule does not specify the installation of a catalyst with certain efficiency. To get SIP credit, there is a separate calculation for the emission reduction which involves control efficiency, rule effectiveness, and rule penetration. DAQ has used a conservative 90% value for the calculation to quantify the SIP credit. The proposed rule does not have a minimum efficiency requirement but the rule states that they have a catalyst and the equipment will be regulated by an opacity standard.

- Kerry Kelly moved that the Board adopt R307-303. Joel Elstein seconded. The Board approved unanimously.

VI. Final Adoption: R307-401-15. Permit: New and Modified Sources. Air Strippers and Soil Venting Projects. Presented by Mark Berger.

Mark Berger, Environmental Planning Consultant at DAQ, stated that in November 2012 the Board proposed updates to R307-401-15 to refer to the most recent test methods and to allow sources to use future updated federally-approved methods, if approved by the Director. No comments were received on this proposal. Staff recommends the Board adopt the proposed revisions to R307-401-15.

- Darrell Smith moved that the Board approve R307-401-15. Michael Smith seconded. The Board approved unanimously.

VII. Five-Year Reviews: R307-102, R307-115, R307-170-, R307-220, R307-221, R307-222, R307-223, R307-224, R307-250, and R307-801. Presented by Mark Berger.

Mark Berger, Environmental Planning Consultant at DAQ, stated that state code requires that each administrative rule be reviewed at least every five years. A five-year review is not a time to revise or amend a rule, but only to verify that a rule is still necessary and allowed under state and federal statute. DAQ has completed the five-year reviews for R307-102, R307-115, R307-170-, R307-220, R307-221, R307-222, R307-223, R307-224, R307-250, and R307-801. Staff recommends the Board continue these rules by approving the five-year notice of review and statement of continuation forms.

In response to questions from the Board concerning the Utah Asbestos rule, staff responded that DAQ contacted all agencies in Utah and made them aware of the asbestos and lead-based paint programs regulatory requirements. The agencies were encouraged to help their citizens comply with our state administrative rules.

- Kathy Van Dame moved that the Board approve the five-year reviews of R307-102, R307-115, R307-170-, R307-220, R307-221, R307-222, R307-223, R307-224, R307-250, and R307-801. Robert Paine seconded. The Board approved unanimously.

VIII. Five-Year Review: R305-2. Electronic Meeting. Presented by Laura Lockhart.

Laura Lockhart of the Utah Attorney General's Office corrected that the rule number originally printed on the agenda should be R305-2. This rule is still required under the open and public meetings act and applies to the Boards established within the Department. There were some minor nonsubstantive changes made, such as outdated citations and an outdated address. It is recommended that the Board continue the rule by approving and filing the five-year notice of review and statement of continuation forms with the DAR.

- Kathy Van Dame moved that the Board approve the five-year review of R305-2, Electronic Meeting. Nan Bunker seconded. The Board approved unanimously.

IX. Propose for Public Comment: R307-342. Adhesives and Sealants. Presented by Mark Berger.

Mark Berger, Environmental Planning Consultant at DAQ, explained that in regard to the next two agenda items, VOCs are a precursor to the formation of PM_{2.5} and also are much of the controls we are looking at as part of our PM_{2.5} state implementation plan (SIP). DAQ has identified two areas, those being adhesives and sealants and consumer products, where a significant amount of VOC reduction can be found. Staff has worked with stakeholders and they have come up with rules in these areas that are based on model rules used by many other states. If the Board chooses to release these proposed rules for public comment, DAQ expects to see substantive changes to the proposed rules and the possibility of having them go out for public comment again. Public input is encouraged on how best to implement these rules in Utah.

R307-342 is being proposed as part of the PM_{2.5} SIP to limit emissions of VOCs from adhesives, sealants, and primers that apply primarily to commercial and industrial applications. Because these products are predominately manufactured outside of Utah, DAQ collaborated with the American Coatings Association (ACA) to develop this proposed rule. The ACA supports this rulemaking because it is consistent with the national regulatory structure. The rule would require any person who applies products with VOC content higher than the VOC limits established in Table 1 of the rule to use an add-on control device with an overall capture and control efficiency

of at least 85%. The rule also contains recordkeeping, product application, and container labeling requirements. Staff recommends the Board propose R307-342, Adhesives and Sealants, for public comment.

In answer to questions, staff responded that products on the shelf today are compliant with this rule. Also, control efficiency is a term that defines the expected emission reduction by implementing a rule and emissions control is the quantity that is being taken out.

- Joel Elstein moved that the Board propose for public comment R307-342, Adhesives and Sealants. Kathy Van Dame seconded. The Board approved unanimously.

X. Propose for Public Comment: R307-357. Consumer Products. Presented by Mark Berger.

Mark Berger, Environmental Planning Consultant at DAQ, stated that in the proposed rule the California Air Resource Board (CARB) was inadvertently given rulemaking authority to this rule by incorporating by reference their rules without specifying which version of their rule was being incorporated. As the rule was written, the CARB could amend the rule or give variances to the rule that wouldn't have been considered by the Air Quality Board. We need to change the incorporation by reference to state that we are adopting the rules that are effective as of the effective date of R307-357. By fixing the effective date we still reference the CARB rule, but we are putting the date on it so that they can't change our rules outside of Utah.

R307-357 is being proposed as part of the PM_{2.5} SIP. It applies to any person who sells, supplies, offers for sale, distributes for sale, or manufactures for sale consumer products in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber counties. The rule establishes VOC-content limits for several types of consumer products as well as provides several exemptions from the VOC-content limit requirements. The Board was provided with two potential options for the rule, one that includes both toxics and ozone depleting chemical bans and one that does not have a prohibition of toxics or ozone depleting chemicals. Staff worked closely with several stakeholders and they are generally supportive of the proposed rules and are neutral on which option of the rule the Board proposes for public comment. Staff recommends the Board propose for public comment the version of R307-357 with the toxics and ozone depleting ban because it provides the greatest degree of environmental protection and gives us more credit in the SIP.

In answer to questions from the Board, staff responded that this rule only applies to the manufacturers of the material and just restricts the sell or manufacture of the material. Some products may sit on the shelf for a while and will be available even after the rule is implemented. There will be a sell-through provision in the rule so that stores can take care of current stock. The consumer products associations will work with their manufacturers and distributors to identify where products can be distributed based on shipping address zip codes.

- Robert Paine moved that the Board propose option two, rule with toxics and ozone depleting ban, of R307-357 for public comment. Darrell Smith seconded. The Board approved unanimously.

XI. Propose for Public Comment: Amend R307-403-1. Purpose and Definitions, R307-403-2. Applicability, and R307-420. Permits: Ozone Offset Requirements in Davis and Salt Lake Counties; Propose New Rule R307-403-10. Analysis of Alternatives and R307-403-11. Actuals PALS; and Repeal R307-401-19. Analysis of Alternatives and R307-401-20. Relaxation of Limitations. Presented by Mark Berger.

Mark Berger, Environmental Planning Consultant at DAQ, stated that these rule changes will update the definitions and applicability sections of Utah's nonattainment permitting rules for major sources. These changes will incorporate the new source review (NSR) reform provisions that were already adopted several years ago into the prevention of significant deterioration (PSD) rule, which will simplify the permitting process for sources that must comply with both rules. NSR reform allows sources to calculate their emission increase based on the expected increase in actual emissions and also allows sources to establish plant-wide applicability limits. The rule change will also incorporate the PM_{2.5} national ambient air quality standards (NAAQS) into the nonattainment permitting rule and will move provisions into the rule that apply only to nonattainment areas. Finally, the rule change will remove offset requirements for carbon monoxide maintenance areas that are not needed to continue to maintain the NAAQS. Staff recommends the Board propose for public comment the revisions to R307-403-1, R307-403-2, and R307-420; propose new rules R307-403-10 and R307-403-11; and repeal R307-401-19 and R307-401-20.

- Kathy Van Dame moved that the Board propose for public comment to amend R307-403-1, Purpose and Definitions, R307-403-2, Applicability, and R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties; propose new rule R307-403-10, Analysis of Alternatives, and R307-403-11, Actuals PALS; and repeal R307-401-19, Analysis of Alternatives, and R307-401-20, Relaxation of Limitations. Kerry Kelly seconded. The Board approved unanimously.

XII. Informational Items.

A. PM₁₀ State Implementation Plan Withdrawal. Presented by Dave McNeill.

Dave McNeill, Planning Branch Manager at DAQ, explained that the Board submitted the PM₁₀ SIP that was later revised in 2011. Because EPA had proposed disapproval of the PM₁₀ maintenance plan the Governor requested that the PM₁₀ SIP be withdrawn from EPA so it would not be disapproved in the Federal Register. When the withdrawal of the PM₁₀ SIP was submitted it was believed that EPA would return the original SIP and the 2011 revision. But EPA kept the 2011 revision which they planned to disapprove because we were asking them to revise a SIP that did not exist. As an administrative process, a second letter was submitted to EPA asking them to return the 2011 revision

B. Draft 2011 SO₂ Milestone Report Update. Presented by Colleen Delaney.

Colleen Delaney, Environmental Scientist at DAQ, stated that Utah's regional haze SIP established regional milestones for sulfur dioxide (SO₂) to ensure that significant reductions occur between 2003 and 2018. Each year, Utah works cooperatively with the states of Wyoming and New Mexico to develop a regional inventory to determine whether the milestone has been met. If the milestone has not been met, a backstop regulatory trading program would be triggered to ensure that the emission reduction goals are achieved. SO₂ emissions continue to drop in the region and are currently 35% below the milestone. We are on track to meet the significant reductions required in Utah's SIP required by 2018. We are nearing the end of the 30 day public comment period. The

milestones come down in five-year steps. We're heading to the next five-year step in 2013. As anticipated, the emission reductions occur ahead of that and we'll be in good shape to meet the next step down in 2013. It has been a continual progression down and we anticipate this will continue into the future. The report will then be finalized and submitted to EPA by the end of March as required by the regional haze SIP. The milestone report is currently posted on DAQ's web page for review.

C. Summary of Utah's Infrastructure State Implementation Plan. Presented by Colleen Delaney.

Colleen Delaney, Environmental Scientist at DAQ, stated that on January 31, 2013, Utah submitted demonstrations to EPA that Utah's infrastructure SIP is adequate to implement the 2008 Ozone NAAQS and the 2010 NO₂ NAAQS. When we talk about SIPs in Utah, we typically mean the control strategy SIPs that are developed for non-attainment areas. However, there are a number of SIP sections that were originally adopted in the 1970's that describe Utah's air quality infrastructure as required by Section 110(a) of the Clean Air Act. The infrastructure SIP includes the underlying programs that are needed to regulate air pollution, such as monitoring, permitting, compliance, and emission inventories. Whenever EPA revises a national ambient air qualities standard, states are required to review their plans to ensure that the infrastructure is adequate to address the new NAAQS. In the past, we used to just submit a short letter to EPA that referenced the existing infrastructure SIP, but as a result of litigation in eastern states, EPA has significantly increased the level of effort that is required to review the infrastructure SIPs. States are now required to identify and certify that all the requirements in Section 110(a) today have been met. The certification must be made available for public review and then be submitted by the state as if it was a SIP revision. The certification is not a rulemaking and therefore does not need to be adopted by the Board. Instead, it's a review of the existing rules and other SIP elements to ensure that they are adequate. The certification for the 2008 ozone standard was due in 2011 and the certification for the 2010 NO₂ standard is due February 9, 2013. We had delayed developing these documents because EPA was planning to issue guidance. However, a few weeks ago, EPA made a finding of failure to submit the ozone infrastructure SIP and we did not want to see a similar finding for NO₂. We reviewed the existing infrastructure SIP and documented how the SIP is adequate to implement the ozone and NO₂ standards. The demonstrations were made available for public review from December 18, 2012, to January 18, 2013. No public comments were received. There is one aspect of section 110(a) today that is not addressed in this certification, namely the requirements in Section 110(a)(2)(D) addressing interstate transport. A recent court decision regarding EPA's cross state air pollution rule determined that states are not required to address interstate transport until EPA has determined the obligation for individual states to address their impact on downwind states. EPA is appealing this decision, but in the interim, EPA issued guidance stating that interstate transport does not need to be addressed at this time. The infrastructure SIP is currently posted on DAQ's web page for review.

D. PM_{2.5} State Implementation Plan Update and Discussion. Presented by Bill Reiss.

Bill Reiss, Environmental Scientist at DAQ, stated the PM_{2.5} SIP for the Cache Valley has been submitted to the EPA, meeting the December 14, 2012, deadline. However, the two SIPs for the Wasatch Front nonattainment areas were withdrawn in December 2012 because we were unable to demonstrate attainment with the standard, even with the five year extension request. The Cache Valley SIP was adopted with a placeholder for an inspection/maintenance (I/M) program. DAQ has been working with the Cache County

officials to help draft regulation describing an I/M program. During the public comment period, the Wasatch Front SIPs had a number of deficiencies identified. DAQ has been working with EPA to move forward and resolve some of those deficiencies, one being the reasonable available control technology (RACT) analysis as it pertained to stationary point sources. Also important is the attainment dates and reasonable further progress towards attainment by those dates. DAQ has retained a contractor to help review the information brought forward as part of the SIP proposal which will help draw better conclusions with respect to the options at hand. The entire analysis will then be completed by analyzing the information through the air quality model with respect to the attainment dates. Another deficiency identified was with the table that listed a number of additional SIP control strategies we would pursue in order to make up the gap between what the model was predicting our concentrations would look like in the future and where the standard was. We are working on reviewing those items to see what we might gain in terms of some emissions reductions. Mr. Reiss then answered and addressed questions and comments from the Board. The key point being that DAQ has made refinements from the proposed package and as final numbers are determined they will be made available. Staff is still planning for a May or June 2013 date for proposing the SIPs for public comment. Finally, Colleen Delaney is heading the review of the offsets rule and identifying some of the key pieces that go along with the SIP and she found there were some conflicts between what we had proposed in the nonattainment NSR. The NSR rules proposed today would help us develop an approvable offsetting rule.

E. Holly Refinery Permit Update. Presented by Martin Gray.

Martin Gray, Major New Source Review Section Manager at DAQ, stated that Holly Refinery (Holly) is seeking to modify their facility by adding some new process units by adding some crude unloading bays, adding some new storage tanks, and installing an additional waste water treatment system. Their processing capacity will increase from 31,000 barrels per day to 60,000 barrels per day by the addition of the new processing equipment. At the same time, Holly is requesting to reduce their current PM₁₀ SIP limits for SO_x, NO_x, and PM₁₀ by adding additional control equipment. They are also going to remove some high emitting units. Some of the reductions are coming from a 2008 consent decree, some from implementation of best available control technology, and some are at Holly's own initiative. The notice of intent (NOI) was received on May 23, 2012. The public comment period went from December 4, 2012, to January 28, 2013, and a public hearing was held on January 3, 2013. Numerous comments were received and staff is currently reviewing those comments. Based on the results of the NSR review, the Director will either approve or deny the permit. If staff finds that changes are needed, Holly could submit an addendum to their NOI and it would go back through the process where staff would re-analyze the data, issue another intent to approve, and go through public comment again. Mr. Gray commented that increased diesel traffic was not analyzed in the NSR review but that comments relating to the increased traffic were referred to the Division's Planning Section.

F. Air Toxics. Presented by Robert Ford.

G. Compliance. Presented by Jay Morris and Harold Burge.

H. Monitoring. Presented by Kimberly Kreykes.

Kimberly Kreykes, Environmental Planning Consultant at DAQ, updated the Board on the monitoring graphs. It was suggested that there be a key for the abbreviations of the ozone monitor locations and that the monitors in the Uintah Basin be presented on a separate page this winter season.

I. Other Items to be Brought Before the Board.

Ms. Van Dame commented that there has been a lot of air quality discussion lately due to the inversion. At one of the meetings she attended they were looking at emission inventories for various mobile sources and what stuck out to her was the 67% of VOC emissions of gasoline fleets were from cold starts. She commented that clear communication about cold starts could be made available to the public. In further discussion it was commented that there is opportunity for effective messaging of things people can do that actually make a difference as well as looking at economic incentives to get commuters to utilize mass transit.

Meeting was adjourned at 3:40 p.m.

Minutes approved: February 27, 2013.